Crl.Misc.No.27223 -M of 2007

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Statement of Kartar Singh son of Shiv Ram, resident of village Ferozepur, P.O. Behmanmanj Tehsil Mukerian District Hoshiarpur. (On S.A.)

The impugned F.I.R. was registered on my complaint. With the intervention of the respectables my dispute with the petitioner has been resolved and we have entered into a compromise. As per the compromise, I have no objection if the impugned F.I.R. and all the proceedings arising therefrom are quashed.

The above-stated compromise has been arrived at without any pressure and/or coercion. A compromise deed was also executed between both the parties on 2.2.2007 (Annexure P-2).

(SURYA KANT)
JUDGE

R.O. & A.C.
October 11, 2007

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Crl.Misc. No.27223-M of 2007
Date of Decision:- 11.10.2007

Bikram Singh ....Petitioner(s)

through
Ms.Sharmila Sharma, Advocate

vs.

State of Punjab & anr. ....Respondent(s)

through
Mr.K.D.S.Sidhu, DAG, Punjab.
Mr.Lalit Goyal, Advocate for No.2.

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CORAM:-HON'BLE MR.JUSTICE SURYA KANT.

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1) Whether Reporters of the local papers may be allowed to see the judgment?
2) To be referred to the Reporters or not?
3) Whether the judgment should be reported in the Digest?

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SURYA KANT, J. (ORAL)

The prayer in this petition is for quashing of F.I.R.No.57 dated 5.6.1995 under Sections 323, 324, 325, 382, 34 IPC, registered at Police Station Mukerian, District Hoshiarpur.

The abvoe-stated F.I.R. was registered on the statement of respondent No.2 (Kartar Singh).

It appears that the petitioner was declared a proclaimed offender, however, he was arrested by the local police on 27.3.2007 but thereafter he was released on bail. Even before his arrest, both the parties have entered into a compromise on 2.2.2007 in terms whereof compromise deed Annexure P-2 has been executed. A perusal of the compromise deed would reveal that essentially there was a property dispute between them which has been amicably resolved.

The petitioner seeks quashing of the F.I.R. and all the subsequent proceedings arisen therefrom on the basis of above-stated

compromise.

Notice of motion was issued and in response thereto, respondent No.2-the complainant has put in appearance along with his counsel. Respondent No.2 has separately deposed on oath and has acknowledged the compromise as also the execution of the compromise deed. He further states that there is no objection if the impugned criminal proceedings are quashed.

After hearing learned counsel for the parties, I am of the considered view that the continuation of the impugned criminal proceedings would be an exercise in futility. Since the complainant himself does not want to pursue these proceedings, the prosecution case is likely to fall flat. As is evident from the compromise deed, there was a property dispute between the parties which has been amicably resolved. It would, therefore, be in the larger interest of the society, peace and harmony and in order to save both the families from avoidable litigation that the compromise arrived at between them is accepted by this Court.

For the reasons afore-stated and having regard to the principles laid down by a Five Judges Bench of this Court in the case of **Kulwinder Singh vs. State of Punjab, 2007 (3) Law Herald (P&H)**, 2225, this petition is allowed and the impugned criminal proceedings arising out of F.I.R.No.57 dated 5.6.1995 under Sections 323, 324, 325, 382, 34 IPC, registered at Police Station Mukerian, District Hoshiarpur as well as all the subsequent proceeding arising therefrom are hereby quashed.

October 11, 2007 **(SURYA KANT)**
poonam **JUDGE**